



Sexual Assault Case Processing: A Descriptive Model of Attrition and Decision Making

Final report to the
Alaska Department of Law

by

G. Matthew Snodgrass

Justice Center
University of Alaska Anchorage



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Sexual Assault Case Processing: A Descriptive Model of Attrition and Decision Making

Executive Summary

Sexual assault is one of the most prevalent and persistent violent crime problems in Anchorage. Anchorage consistently has one of the highest rates of reported forcible rape among U.S. metropolitan statistical areas. This research describes how sexual assault cases are being handled by prosecutors. Towards that end, we created a descriptive model of both case and charge movements within the Alaska Department of Law for a sample of reported sexual assaults. Specifically, we analyzed all 1,052 sexual assaults reported to the Anchorage Police Department between January 2000 and December 2003 which involved one suspect and one victim.

Our findings begin the task of developing a cogent understanding of how the Alaska Department of Law disposes of sexual assault cases. Below is a succinct summary of our most consequential findings:

- There is a substantial difference between case outcomes and charge outcomes. Conclusions about sexual assault case processing depend in large part on whether those conclusions are made about cases or charges.
- The highest point of attrition was between report and referral. Of the 1,052 reports in our sample, only 188 cases (17.9%) were referred for prosecution.
- These 188 cases contained 434 charges. Prosecutors then dropped 104 charges and added 83 new charges, for a new total of 413 accepted charges. Of these 413 accepted charges, 138 (33.4%) resulted in a conviction.
- With respect to cases, 127 (67.6%) of the 188 referred cases were accepted by prosecutors. Of these 127 accepted cases, 111 (87.4%) resulted in a finding of guilt.
- 89.9 percent of charge convictions were a result of plea bargaining.
- The types of reasons given by prosecutors for charge dispositions vary substantially depending on which decision point is under consideration. Evidentiary reasons are more important at earlier decision points, while discretionary reasons are more important at later decision points.
- 73.3 percent of charges do not result in a conviction. However, the majority of referred cases (59.0%) do result in a conviction on at least one charge. Put differently, while most charges do not result in conviction, most offenders whose cases reach prosecutors are being held accountable for their actions to some degree.

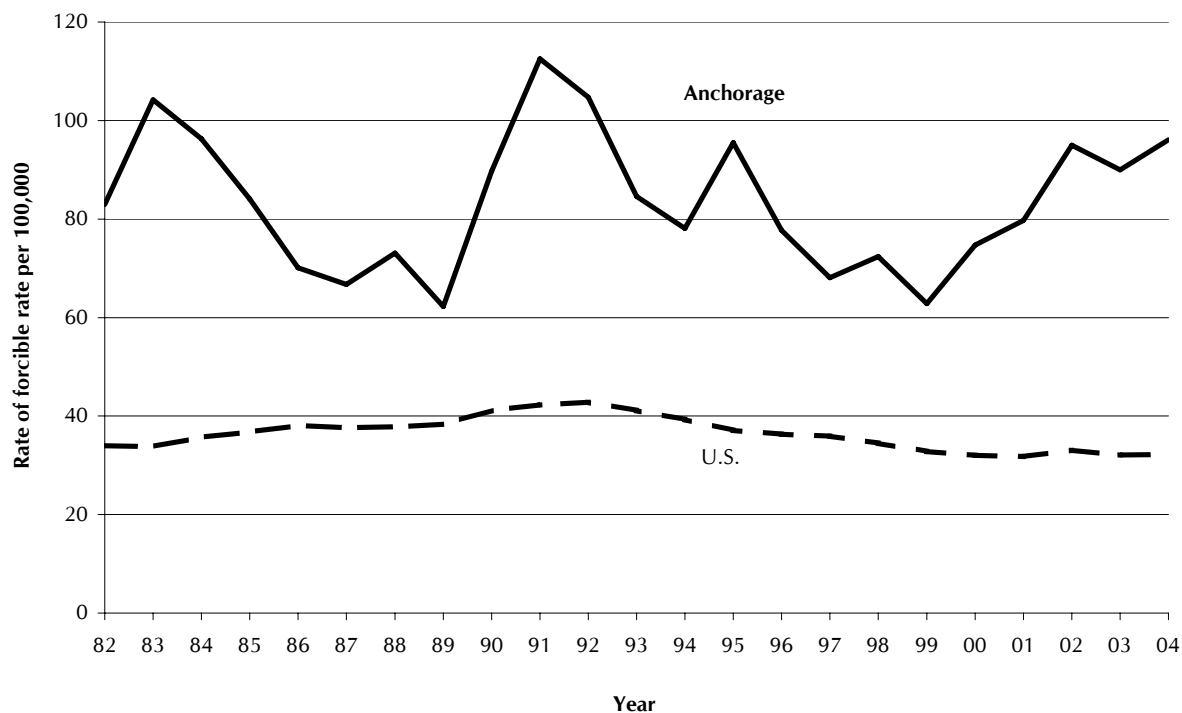
This research is the first to systematically examine sexual assault case processing in Anchorage. As such, we have begun the process of creating a body of knowledge that policy makers may draw upon when studying the sexual assault problem in Anchorage. A key problem is the high rate of attrition that was observed between report to law enforcement and referral for prosecution. To improve offender accountability, we must increase the rate at which sexual assaults reported to the Anchorage Police Department are referred to the Alaska Department of Law for prosecution.

Sexual Assault Case Processing: A Descriptive Model of Attrition and Decision Making

Statement of Research

Sexual assault is one of the most prevalent and persistent violent crime problems in Anchorage. Over the past twenty years, Anchorage has been consistently at or near the top of U.S. metropolitan statistical areas for rates of reported forcible rape. Between 2000 and 2003, the rate of reported forcible rape in Anchorage was 163 percent higher than the U.S. as a whole. Figure 1 demonstrates the severity of the problem from 1982 to 2004.

Figure 1. Rates of Forcible Rape in the U.S. and Anchorage: 1982 - 2004



Source of data: FBI Uniform Crime Reports

In response to this black eye on our community, there has been a laudable reaction from both police and prosecution. Since it is understood that rational responses first require an understanding of the problem at hand, this research set out to describe case outcomes and case dispositions for reported sexual assaults. More specifically, we examined all sexual assaults reported to

the Anchorage Police Department (APD) between January 2000 and December 2003 that were committed by one suspect against one victim. Detailed information on case movements and dispositions was collected for these cases. This report summarizes those movements and dispositions. More generally, it examines how the Alaska Department of Law processes sexual assault cases reported to APD.

Data Collection

In an effort to better understand the prosecution of sexual assault, we considered all sexual assaults reported to APD between January 2000 and December 2003, but limited our sample to sexual assaults committed by one suspect against one victim (n=1,074, 87.0% of all reported sexual assaults during this period). Offenses in these 1,074 reports included sexual assaults, forcible rapes, attempted sexual assaults, and attempted forcible rapes. As defined by the Federal Bureau of Investigation's Uniform Crime Reports, forcible rape is "the carnal knowledge of a female forcibly and against her will." Sexual assault is a less restrictive state-defined offense that does not consider the gender of the parties involved and does not require carnal knowledge.

Table 1a. Types of Sexual Assaults Reported to Anchorage Police, by Year: 2000-2003

Type of report	2000		2001		2002		2003	
	N	%	N	%	N	%	N	%
UCR-defined rape	186	71.8 %	194	68.8 %	234	69.2 %	218	61.2 %
UCR-defined attempted rape	21	8.1	27	9.6	28	8.3	27	7.6
State-defined rape	50	19.3	56	19.9	71	21.0	99	27.8
State-defined attempted rape	2	0.8	5	1.8	4	1.2	10	2.8
Unknown	0	0.0	0	0.0	1	0.3	2	0.6
Total	259		282		338		356	

Source of data: Anchorage Police Department

Table 1b. Types of Sexual Assaults In Sample, by Year: 2000-2003

Type of report	2000		2001		2002		2003	
	N	%	N	%	N	%	N	%
UCR-defined rape	152	71.7 %	160	69.0 %	216	69.2 %	195	61.3 %
UCR-defined attempted rape	19	9.0	22	9.5	27	8.7	23	7.2
State-defined rape	40	18.9	45	19.4	64	20.5	91	28.6
State-defined attempted rape	1	0.5	5	2.2	4	1.3	7	2.2
Unknown	0	0.0	0	0.0	1	0.3	2	0.6
Total	212		232		312		318	

Source of data: Anchorage Police Department

Using a Microsoft Access database (see Appendix A) designed exclusively for the current project, data were collected on-site at the Alaska Department of Law's (DOL) Anchorage office in 8 hours shifts over a one week period in late-August 2005. The DOL's CRIMES database was queried by APD report number for the 1,074 reports in our sample. Of the 1,074 reports, 22 reports (2.05%) were excluded from the analysis. Sixteen (1.49%) possessed report numbers that did not logically match DOL records, and six (0.56%) were still in active litigation so outcome data could not be collected. Of the remaining 1,052 reports, 188 (17.9%) were referred to the DOL and were matched on both police agency and report number. Data were collected on all 188 cases referred to DOL. Overall, 1,235 sexual assaults were reported to APD from January 2000 thru December 2003. We sampled all 1,074 sexual assaults committed by one suspect against one victim. We collected data on 1,052 (98%) of these cases. Of these 1,052, 188 (17.9%) were referred for prosecution and had been disposed of by DOL prior to data collection.

Seventy three separate variables containing detailed information on each case, and on each charge within each case were collected. For each charge, information was collected at three stages of prosecution – referral, acceptance, and conviction. At each of these three stages, seven variables were collected: statute of the charge, charge modifier, description of the charge, class of the charge, offense date, disposition code, and reason code. Statute of charge is the statutory code of the charge. Charge modifiers are aggravator/mitigator designations that prosecutors can attach to a charge to either increase or decrease the severity of the charge (e.g., Attempted, Gang Related). Charge description is a text description of a charge that corresponds to its charge statute. Offense date is simply the date that the alleged offense took place. Disposition and reason codes are three-digit numeric values with associated text labels that indicate, respectively, what happened to a charge at a particular decision point and why that disposition was deemed appropriate (see Appendix B for a comprehensive list of disposition and reason codes). From referral to acceptance, each charge receives an initial screening that is recorded by an initial screening decision. Additionally, from acceptance to conviction, each charge is given a final disposition code that codifies the final outcome of that charge. With respect to reasons, the DOL uses five primary reason code categories: victim/witness reasons, evidentiary reasons, discretionary reasons, miscellaneous reasons, and court adjudications. Disposition and reason codes are attached to charges by prosecutors. As such, they offer insight into the decision making processes of prosecutors and indicate the formal reasons for charge dispositions.

Overview of Case Progression

For this report, we consider three stages of prosecution: referral, acceptance, and conviction. Since much of the remainder of this report will be concerned with discussing the flow of cases through these stages, it is important to understand what exactly is meant by each stage. Stages can be thought of as formal decision points at which prosecutors record what has transpired with the case, and why that outcome resulted.

The first stage we will consider is the referral stage. Referral is the forwarding of charges by APD to the DOL. This is the initial stage of prosecution, and the first stage at which prosecutors officially become aware of a report. Once a case has been referred to the DOL, it is screened for acceptance. More specifically, prosecutors will screen each charge within each case for acceptance. The prosecutor's initial screening decision for each charge is recorded with a screening disposition code. This screening disposition code indicates whether a charge moved forward to the next stage. The screening disposition code will also indicate in what fashion the charge did or did not move forward (e.g., accepted as referred, accepted at a higher level, accepted as a lesser felony, prosecution decline – dismissal required). After the initial screening decision, a reason code could potentially be attached to a charge outcome. At this decision point, reason codes are given to charges that are not accepted as referred by law enforcement. The reason code indicates the formal reason that prosecutors gave for the disposition of the charge in that manner.

Acceptance is the stage at which prosecutors formally agree to move forward with criminal prosecution. This can be considered the second stage of prosecution, or the second formal prosecutorial decision point. After a charge has been accepted by prosecutors, it must be disposed of in some fashion. That is, it must either result in a finding of guilt, finding of no true bill, dismissal, or it must be transferred to another agency. Once this outcome has been established, a final disposition code and potentially a reason code are attached to each individual accepted charge within a case. The final disposition code indicates the final outcome of an accepted charge. Given that a charge resulted in a finding of guilt, the final disposition code would indicate in what manner the finding of guilt was determined (i.e., plea, court trial, jury trial). Again, the reason code associated with this final disposition reflects prosecutors' official reason for the final disposition of the charge. A conviction is an accepted charge resulting in a finding of guilt. A finding of guilt can occur through plea bargaining, or being found guilty beyond a reasonable doubt by either judge or jury.

Table 2 describes the number of cases reported, referred, accepted, and convicted. Our sample includes 1,052 cases that were reported to APD. 188 (17.9%) of these 1,052 cases were referred to DOL. 127 (67.6%) of these 188 cases were accepted by DOL. Finally, 111 (87.4%) of these

Table 2. Number of Cases By Stage

Stage	N	% of reported	% of referred	% of accepted
Reported	1052	100.0 %	—	—
Referred	188	17.9	100.0 %	—
Accepted	127	12.1	67.6	100.0 %
Convicted	111	10.6	59.0	87.4

Source of data: Alaska Department of Law

127 cases resulted in a conviction. Clearly, the point with the greatest attrition is from report to referral.

For the purposes of this research, two separate levels of analysis will be used: a case-level analysis and a charge-level analysis. The case-level analysis considers a case as a whole, to be the unit of analysis. Using this level of analysis, we are concerned only with the most serious outcome at a particular stage. In other words, a case is considered to have been referred for prosecution if at least one charge was forwarded to prosecutors by law enforcement. A case is accepted if prosecutors agreed to move forward with prosecution for at least one charge within a case. A case is convicted if at least one accepted charge results in a finding of guilt. For the sake of simplicity, this level of analysis may be thought of as the “at least one” level. The charge that was referred, accepted, or convicted upon does not necessarily have to be the same charge at each stage.

Alternatively, the charge-level analysis considers individual charges within a case. The individual charge is the unit of analysis. Whereas the case-level analysis can be thought of as the “at least one” level of analysis, the charge-level analysis considers all charges. Using this level of analysis, we are concerned with all charges at each decision point, not simply the single charge that received the most serious outcome. While this distinction may seem semantic, it is important for many of the results of this project.

As a general rule, outcomes at latter stages depend entirely on outcomes at previous stages. This rule holds true, without exception, when considering case-level analysis. A case cannot result in a finding of guilt if it was not accepted by prosecutors. Further, a case could not have been accepted if it had not originally been referred for prosecution by law enforcement. However, an exception to this rule emerges when considering the case-level analysis.

From referral to acceptance, there can be cross-movement of charges within a case. While it is necessary that at least one charge be referred for any charges to be accepted, the number of charges within a case need not be static from referral to acceptance or from acceptance to conviction. It is possible that law enforcement could refer many charges to prosecutors, but upon review of the case, prosecutors agree to move forward with prosecution on a subset of the referred charges (i.e., the number of accepted charges is less than the number referred). Similarly, it is possible

that law enforcement refers only a single charge to prosecutors, but upon review, prosecutors feel that additional charges are appropriate (i.e., they create an accepted charge that was not referred). It is even possible that equivalent numbers of charges are referred and accepted, but none of the accepted charges were originally referred.

Results

Referral

As mentioned earlier, of the 1,052 reported sexual assault cases, 188 (17.9%) resulted in a referral to the DOL. As illustrated in Table 3, cases typically had one referred charge (41.5%). Also, 76.5 percent of cases had three or fewer referred charges.

Table 3. Number of Referred Charges Per Case

Number of charges	N	%
One	78	41.5 %
Two	38	20.2
Three	28	14.9
Four	13	6.9
Five	10	5.3
Six or more	21	11.2
Total	188	

Source of data: Alaska Department of Law

Transitioning from case-level to charge-level, we again examine the referral stage of prosecution. The 188 referred cases contained 434 referred charges. Table 4 shows the distribution of these 434 referred charges by charge type.

Table 4. Referred Charges

Charge	N	%
Sexual assault 1	180	41.5 %
Sexual assault 2	99	22.8
Sexual assault 3	11	2.5
Sexual abuse of a minor 1	20	4.6
Sexual abuse of a minor 2	28	6.5
Sexual abuse of a minor 3	3	0.7
Sexual abuse of a minor 4	1	0.2
Assault	38	8.8
Kidnapping	17	3.9
Other charge	37	8.5
Total	434	

Source of data: Alaska Department of Law

One hundred and eighty (41.5%) of the referred charges were sexual assaults in the first degree. Also, 290 (66.8%) of the 434 referred charges were sexual assaults of some degree. This is not surprising given that our sample was sexual assaults reported to APD between 2000 and 2003. Fifty-two (12.0%) of the referred charges were for sexual abuse of a minor, 38 (8.8%) were for assault charges, 17 (3.9%) were kidnapping charges, and 37 (8.5%) were for other charges. Examples of other charges included contributing to the delinquency of a minor, driving under the influence, and possession of child pornography. A complete list of all referred charges and their frequencies can be found in Appendix C.

Table 5 is a breakdown of referred charges by class. Over 90 percent (n = 394) of the referred charges were felonies. The largest proportion (48.6%) of charges were referred as unclassified felonies. Unclassified felonies are considered crimes of the highest severity and carry with them the harshest penalties meted out by law. Unclassified felonies are murder in the first and second degree, misconduct involving a controlled substance in the first degree, kidnapping, sexual assault in the first degree, and sexual abuse of a minor in the first degree. Statutorily, sexual assault is taken very seriously. Further, when a report results in a referral, charges referred for prosecution are at a high level of class severity and carry with them some of the most significant penalties offered by the justice system.

Table 5. Class of Referred Charges

Class	N	%
Unclassified felony	211	48.6 %
Class A felony	12	2.8
Class B felony	135	31.1
Class C felony	36	8.3
Class A misdemeanor	35	8.1
Class B misdemeanor	4	0.9
Non-classified violation	1	0.2
Total	434	

Source of data: Alaska Department of Law

All charges that are referred to the DOL receive screening disposition codes. Again, these disposition codes indicate how that charge was disposed (see Appendix B for comprehensive list of disposition codes). Table 6 indicates the disposition codes that were attached to the 434 referred charges.

68.2 percent of referred charges were “Accepted as Referred.” This disposition indicates that prosecutors agreed to prosecute the charge as it was referred by law enforcement. After “Accepted as Referred,” the most common disposition for referred charges was “Prosecution Declined – No Dismissal Required.” This rather self-explanatory disposition is complemented by a less common form of refusal to prosecute – “Prosecution Declined – Dismissal Required.” Considered together,

Table 6. Disposition of Referred Charges

Disposition	N	%
Accepted as referred	296	68.2 %
Accepted—same class	7	1.6
Accepted—higher level	19	4.4
Accepted—lesser felony	6	1.4
Accepted—lesser misdemeanor	2	0.5
Prosecution declined—dismissal required	9	2.1
Prosecution declined—no dismissal required	95	21.9
Total	434	

Source of data: Alaska Department of Law

these “Prosecution Declined” disposition codes were attached to 24.0 percent (n=104) of referred charges. Interestingly, 92.2 percent (n=400) of charges were either accepted as referred by law enforcement or declined.

However, this result should be interpreted cautiously. This result was obtained using a charge-level analysis; it makes no claims about cases, only charges. While it may be tempting to interpret this result by stating that 92.2 percent of *cases* are either dismissed or accepted as referred, this interpretation would be incorrect. Here we make claims about *charges*, not cases. As stated earlier, a majority of cases (58.5%, see Table 3) have more than one charge. It is therefore possible that at least one charge in a case progresses forward, while others are dismissed. This would not be discernable using the analysis in Table 6.

All charges that are referred to the DOL receive screening disposition codes. However, only charges that were not accepted as referred receive reason codes. Thus, in our sample, 138 charges received reason codes because 138 were not accepted as referred. For this project, reason codes were collapsed into four categories: witness reasons, evidentiary reasons, discretionary reasons, and procedural/other reasons. These categories were based primarily on DOL’s typifications for reason codes. These typifications were used as a guide and adhered to as strictly as was deemed reasonable. Also, only reason codes that were present in the dataset were collapsed into the above categories (see Appendix D for a list of reason codes that were collapsed into the four categories and their respective frequencies).

Table 7. Reason for Not Accepting Charge as Referred

Reason	N	%
Witness reason	24	17.4 %
Evidentiary reason	63	45.7
Discretionary reason	45	32.6
Procedural/other reason	6	4.3
Total	138	

Source of data: Alaska Department of Law

Reasons for not accepting charges as referred are shown in Table 7. What is important to note is the proportion of reasons, by type, given by prosecutors for a charge not being accepted as referred. At this stage, evidentiary reasons were the most typical reasons for not accepting a charge as referred (45.7%). Discretionary reasons were the second most common reasons for not accepting a charge as referred (32.6%).

Transition between Referral and Acceptance

As was previously discussed, it is possible, when considering the charge-level analysis, that there is cross-movement of charges within cases. This is demonstrated visually in Table 8.

Table 8. Charge Progression from Referral to Acceptance

Referred	Accepted		Total
	Yes	No	
Yes	330	104	434
No	83	0	83
Total	413	104	517

Source of data: Alaska Department of Law

Of the 434 charges that were referred for prosecution, 330 (76.0%) were accepted, while the remaining 104 (24.0%) were declined for prosecution. Also, we see that 83 charges were created by prosecutors from referral to acceptance. This means that there were a total of 517 charges at some stage of prosecution within these 188 cases.

Tables 9 and 10 are analyses of charges that did not move forward to acceptance. As stated above, 104 (24.0%) of the 434 total referred charges were not accepted by prosecutors. Half (n=52) of the charges not accepted by the DOL were sexual assaults in the first degree and an

Table 9. Charges Referred but Not Accepted

Charge	N	%
Sexual assault 1	52	50.0 %
Sexual assault 2	22	21.2
Sexual assault 3	2	1.9
Sexual abuse of a minor 1	1	1.0
Sexual abuse of a minor 2	4	3.8
Sexual abuse of a minor 3	2	1.9
Sexual abuse of a minor 4	0	0.0
Assault	7	6.7
Kidnapping	7	6.7
Other charge	7	6.7
Total	104	

Source of data: Alaska Department of Law

Table 10. Class of Charges Referred but Not Accepted

Class	N	%
Unclassified felony	60	57.7 %
Class A felony	2	1.9
Class B felony	29	27.9
Class C felony	7	6.7
Class A misdemeanor	5	4.8
Non-classified violation	1	1.0
Total	104	

Source of data: Alaska Department of Law

additional 21.2 percent (n=22) were sexual assaults in the second degree. Not surprisingly, given the types of charges which were not accepted by prosecutors, we see that over half of the charges that were not accepted by prosecutors were unclassified felonies and an additional 27.9 percent were class B felonies (see Table 10).

We will now briefly examine those 83 charges which were, in essence, created by prosecutors at acceptance (see Tables 11 and 12). Thirty two (38.6%) were sexual assault charges, 20 were sexual abuse of a minor charges, six were assault charges, two were kidnapping charges, and 23 were other charges. Table 12 shows the class severity of the 83 charges which were accepted but not referred. We see that 25.3 percent of these charges were unclassified felonies. Also, charges which were accepted but not referred were most commonly class B felonies.

Table 11. Charges Added by Prosecutors at Acceptance

Charge	N	%
Sexual assault 1	15	18.1 %
Sexual assault 2	14	16.9
Sexual assault 3	3	3.6
Sexual abuse of a minor 1	7	8.4
Sexual abuse of a minor 2	7	8.4
Sexual abuse of a minor 3	6	7.2
Sexual abuse of a minor 4	0	0.0
Assault	6	7.2
Kidnapping	2	2.4
Other charge	23	27.7
Total	83	

Source of data: Alaska Department of Law

Table 12. Class of Charges Added by Prosecutors at Acceptance

Class	N	%
Unclassified felony	21	25.3 %
Class A felony	5	6.0
Class B felony	22	26.5
Class C felony	15	18.1
Class A misdemeanor	10	12.0
Class B misdemeanor	2	2.4
Nonclassified misdemeanor	1	1.2
Misdemeanor probation or SIS revocation	7	8.4
Total	83	

Source of data: Alaska Department of Law

We will now turn our attention to discussing the 413 charges that moved forward to acceptance from referral.

Acceptance

Considering the case-level analysis, 127 cases of the original 188 moved forward from referral to acceptance (see Table 2). Stated differently, prosecutors agreed to move forward with prosecution on 67.6 percent of the cases that were referred to them. Most commonly, accepted cases contained one charge (see Table 13). Additionally, 70.8 percent of accepted cases contained three or fewer charges.

Returning to the charge-level analysis, 413 charges moved forward between referral and acceptance. Table 14 shows the charge type of these 413 charges.

Table 13. Number of Accepted Charges Per Case

Number of charges	N	%
One	36	28.3 %
Two	29	22.8
Three	25	19.7
Four	9	7.1
Five	9	7.1
Six or more	19	15.0
Total	127	

Source of data: Alaska Department of Law

Table 14. Accepted Charges

Charge	N	%
Sexual assault 1	151	36.6 %
Sexual assault 2	79	19.1
Sexual assault 3	13	3.1
Sexual abuse of a minor 1	27	6.5
Sexual abuse of a minor 2	32	7.7
Sexual abuse of a minor 3	7	1.7
Sexual abuse of a minor 4	1	0.2
Assault	38	9.2
Kidnapping	12	2.9
Other charge	53	12.8
Total	413	

Source of data: Alaska Department of Law

Similar to referral, the most typical accepted charge was a sexual assault in the first degree, which comprises 36.6 percent (n=151) of the accepted charges. Indeed, as can be gleaned from Table 14, 58.8 percent of all accepted charges were sexual assaults in some degree.

Table 15 shows exactly how charges moved from the referral stage to the accepted stage, for the 330 charges which were both referred and accepted.

Table 15. Referred Charges Versus Accepted Charges, for Charges that were Both Referred and Accepted

Referred charge	Total	Accepted charge									
		Sexual assault 1	Sexual assault 2	Sexual assault 3	Sexual abuse of a minor 1	Sexual abuse of a minor 2	Sexual abuse of a minor 3	Sexual abuse of a minor 4	Assault	Kidnap-ping	Other charge
Sexual assault 1	128	123	2	1	–	–	–	–	2	–	–
Sexual assault 2	77	12	62	2	1	–	–	–	–	–	–
Sexual assault 3	9	1	1	7	–	–	–	–	–	–	–
Sexual abuse of a minor 1	19	–	–	–	18	1	–	–	–	–	–
Sexual abuse of a minor 2	24	–	–	–	1	23	–	–	–	–	–
Sexual abuse of a minor 3	1	–	–	–	–	–	1	–	–	–	–
Sexual abuse of a minor 4	1	–	–	–	–	–	–	1	–	–	–
Assault	31	–	–	–	–	1	–	–	30	–	–
Kidnapping	10	–	–	–	–	–	–	–	–	10	–
Other charge	30	–	–	–	–	–	–	–	–	–	30
Total	330	136	65	10	20	25	1	1	32	10	30

Source of data: Alaska Department of Law

What is interesting here is the remarkable consistency with which charges fall on the diagonal. If a charge is referred and accepted as the same charge type, it will fall on a diagonal line from the upper-left to lower-right corners. Of the 128 referred sexual assault in the first degree charges, 123 (96.1%) were accepted as referred. 80.5 percent of referred sexual assault in the second degree charges were accepted as referred. 77.8 percent of sexual assault in the third degree charges were accepted as referred. 94.7 percent of sexual abuse of a minor in the first degree charges were

accepted as referred, and 95.8 percent of sexual abuse of a minor in the second degree charges were accepted as referred.

Table 16 provides the charge class frequencies for the 413 charges that were accepted by the DOL. The largest proportion of charges were accepted as unclassified felonies. Furthermore, 86.9 percent of the charges in our sample were accepted at the felony level.

Table 16. Class of Accepted Charges

Class	N	%
Unclassified felony	179	43.3 %
Class A felony	18	4.4
Class B felony	116	28.1
Class C felony	46	11.1
Class A misdemeanor	40	9.7
Class B misdemeanor	6	1.5
Nonclassified misdemeanor	1	0.2
Misdemeanor probation or SIS revocation	7	1.7
Total	413	

Source of data: Alaska Department of Law

Knowing that the vast majority of charges are accepted as referred, we could reasonably expect charge class to remain relatively constant. This is indeed what we see. For charges that were both referred and accepted, there is a great degree of class congruency between referral and acceptance (See Table 17).

**Table 17. Referred Charge Class Versus Accepted Charge Class
for Charges That Were Both Referred and Accepted**

Referred class	Total	Accepted class					
		Unclassified felony	Class A felony	Class B felony	Class C felony	Class A misdemeanor	Class B misdemeanor
Unclassified felony	151	144	1	3	1	2	–
Class A felony	10	2	8	–	–	–	–
Class B felony	106	11	3	87	5	–	–
Class C felony	29	1	1	3	24	–	–
Class A misdemeanor	30	–	–	1	1	28	–
Class B misdemeanor	4	–	–	–	–	–	4
Total	330	158	13	94	31	30	4

Source of data: Alaska Department of Law

144 (95.4%) of the 151 charges that were referred as unclassified felonies were accepted as such. 80.0 percent of class A felonies were accepted as such. 82.1 percent of class B felonies were accepted as class B felonies. 82.8 percent of class C felonies were accepted as class C felonies. 93.3 percent of class A misdemeanors were accepted as the same class. All class B misdemeanors and violations were accepted at the same class level.

Once a final outcome has been determined for a charge, prosecutors attach a final disposition code. This code indicates whether a finding of guilt was achieved for charge, and how that finding was obtained. Table 18 shows the final disposition codes that were attached to the 413 accepted charges in our sample.

Table 18. Disposition of Accepted Charges

Disposition	N	%
Jury trial—guilty as charged	10	2.4 %
Jury trial—not guilty	17	4.1
Pled as charged	52	12.6
Plea—amended charge	72	17.4
Dismissed by prosecutor	243	58.8
Dismissed by court	9	2.2
Probation/SIS revoked	4	1.0
No true bill	3	0.7
Final disposition outstanding	3	0.7
Total	413	

Source of data: Alaska Department of Law

What is immediately apparent is the large of proportion of charges that are dismissed by prosecutors. 243 (58.8%) of the 413 accepted charges were dismissed by prosecutors. An additional 2.2 percent of accepted charges were dismissed by the court. Taken as a whole, this means that 61.0 percent of accepted charges were dismissed.

Another point becomes clear from Table 18. Of the 138 accepted charges that resulted in a finding of guilt, 124 were as a result of plea bargaining. This means that plea agreements were responsible for 89.9 percent of guilty findings in our sample. Stated differently, only 10 percent of guilty findings were a result of court action.

As was briefly stated earlier, charges that were dismissed by prosecutors or charges in which prosecutors allowed a plea to an amended charge are given a final disposition reason code. These final reasons codes were collapsed in the same fashion and into the same four categories that were used to collapse the reason codes between referral and acceptance: witness reasons, evidentiary reasons, discretionary reasons, and procedural reasons. Again, DOL typifications were adhered to as closely as was deemed reasonable and only slight modifications were made. See Appendix E for a comprehensive list of reason codes, their frequency, and the category that each was collapsed into.

Reasons for accepted charges being dismissed or allowing pleas to amended charges are shown in Table 19. The most striking result in Table 19 is the proportion of discretionary reasons that are given by prosecutors for an accepted charge being dismissed or allowing a plea to an amended charge. 70.5 percent of reason codes given by prosecutors fell into this discretionary

Table 19. Reason for Accepted Charges Being Dismissed or Allowing Plea to An Amended Charge

Reason	N	%
Witness reason	53	16.8 %
Evidentiary reason	34	10.8
Discretionary reason	222	70.5
Procedural/other reason	6	1.9
Total	315	

Source of data: Alaska Department of Law

reason category. Compared to the weight of discretionary reasons, the remaining three categories compose only a relatively small proportion of official reasons. 16.8 percent of reasons given by prosecutors were related to witness problems, 10.8 percent of reasons were evidentiary in nature, and another 1.9 percent were procedural/other reasons.

Conviction

Necessarily, after a charge has been accepted by prosecutors, it must result in a final disposition. Of the 188 cases that were accepted by DOL, 77 cases (41.0%) resulted in no conviction, 89 cases (47.3%) resulted in the conviction of one charge within the case (see Table 20). Also, most cases (59.0%) resulted in a conviction on at least one charge.

When examining the charge-level analysis, we see that 138 (33.4%) of the 413 accepted charges resulted in a finding of guilt. Table 21 is a frequency table of convicted charge types.

A comparison of Table 14 with Table 21 shows that there has been a shift in the distribution of charge types between acceptance and conviction. This is shown in Table 22.

Table 20. Number of Convictions per Case

Number of Convictions	N	%
Zero	77	41.0 %
One	89	47.3
Two	19	10.1
Three	1	0.5
Four	2	1.1
Total	188	

Source of data: Alaska Department of Law

Table 21. Convicted Charges

Charge	N	%
Sexual assault 1	12	8.7 %
Sexual assault 2	35	25.4
Sexual assault 3	10	7.2
Sexual abuse of a minor 1	2	1.4
Sexual abuse of a minor 2	14	10.1
Sexual abuse of a minor 3	3	2.2
Sexual abuse of a minor 4	1	0.7
Assault	30	21.7
Kidnapping	2	1.4
Other charge	29	21.0
Total	138	

Source of data: Alaska Department of Law

Table 22. Accepted Charges Versus Convicted Charges, for Accepted Charges that Resulted in a Conviction

Accepted charge	Total	Convicted charge									
		Sexual assault 1	Sexual assault 2	Sexual assault 3	Sexual abuse of a minor 1	Sexual abuse of a minor 2	Sexual abuse of a minor 3	Sexual abuse of a minor 4	Assault	Kidnap-ping	Other charge
Sexual assault 1	41	12	18	1	–	–	–	–	5	–	5
Sexual assault 2	31	–	17	5	–	–	–	–	7	–	2
Sexual assault 3	4	–	–	4	–	–	–	–	–	–	–
Sexual abuse of a minor 1	5	–	–	–	2	2	–	–	–	–	1
Sexual abuse of a minor 2	15	–	–	–	–	12	2	–	–	–	1
Sexual abuse of a minor 3	1	–	–	–	–	–	1	–	–	–	–
Sexual abuse of a minor 4	1	–	–	–	–	–	–	1	–	–	–
Assault	18	–	–	–	–	–	–	–	17	–	1
Kidnapping	3	–	–	–	–	–	–	–	1	2	–
Other charge	19	–	–	–	–	–	–	–	0	–	19
Total	138	12	35	10	2	14	3	1	30	2	29

Source of data: Alaska Department of Law

We see much more variation about the diagonal than we did in earlier crosstabulations. This is an indication that charge types are shifting between acceptance and conviction. Given that a large proportion of cases are disposed of by plea bargaining, this is not surprising.

Similar to the shift in charge type we observed between acceptance and conviction, there is a corresponding shift in charge class. Table 23 is a frequency table of convicted charge class, followed by a crosstabulation (Table 24) that demonstrates the way charge class shifted between acceptance and conviction.

Table 23. Class of Convicted Charges

Class	N	%
Unclassified felony	10	7.2 %
Class A felony	7	5.1
Class B felony	36	26.1
Class C felony	34	24.6
Class A misdemeanor	42	30.4
Class B misdemeanor	5	3.6
Misdemeanor probation or SIS revocation	4	2.9
Total	138	

Source of data: Alaska Department of Law

Arguably, cases and charges that do not result in a conviction are as important as those that do. We now turn our attention to charges that were accepted, but did not result in conviction. Table 25 shows the 275 accepted charges which did not result in a conviction.

Table 24. Accepted Charge Class Against Convicted Charge Class, for Charges that Resulted in a Conviction

Accepted Class	Total	Conviction Class						
		Unclassified felony	Class A felony	Class B felony	Class C felony	Class A misdemeanor	Class B misdemeanor	Misdemeanor probation or SIS revocation
Unclassified felony	44	10	5	13	10	6	–	–
Class A felony	7	–	2	1	2	1	1	–
Class B felony	47	–	–	22	11	13	1	–
Class C felony	16	–	–	–	11	5	–	–
Class A misdemeanor	18	–	–	–	–	17	1	–
Class B misdemeanor	2	–	–	–	–	–	2	–
Misdemeanor probation or SIS revocation	4	–	–	–	–	–	–	4
Total	138	10	7	36	34	42	5	4

Source of data: Alaska Department of Law

Table 25. Accepted Charges Which Did Not Result in a Conviction

Charge	N	%
Sexual assault 1	110	40.0 %
Sexual assault 2	48	17.5
Sexual assault 3	9	3.3
Sexual abuse of a minor 1	22	8.0
Sexual abuse of a minor 2	17	6.2
Sexual abuse of a minor 3	6	2.2
Assault	20	7.3
Kidnapping	9	3.3
Other charge	34	12.4
Total	275	

Source of data: Alaska Department of Law

Forty percent of charges that were accepted by prosecutors but failed to result in a conviction were sexual assaults in the first degree. After sexual assaults in the first degree, the most common accepted charges that did not result in a conviction were sexual assaults in the second degree. Taken as a whole, sexual assaults in some degree accounted for 60.8 percent of charges that were accepted but failed to result in a conviction.

Considering the class of charges that were accepted but not convicted upon, we see that almost half (49.1%) were unclassified felonies (see Table 26). Another quarter (25.1%) of accepted charges that did not end in a finding of guilt were class B felonies, and an additional 10.9 percent were class C felonies. Taken as a whole, felonies accounted for 245 (89.1%) of accepted charges that did not result in a conviction.

Table 26. Class of Accepted Charges Which Did Not Result in a Conviction

Class	N	%
Unclassified felony	135	49.1 %
Class A felony	11	4.0
Class B felony	69	25.1
Class C felony	30	10.9
Class A misdemeanor	22	8.0
Class B misdemeanor	4	1.5
Nonclassified violation	1	0.0
Misdemeanor probation or SIS revocation	3	1.1
Total	275	

Source of data: Alaska Department of Law

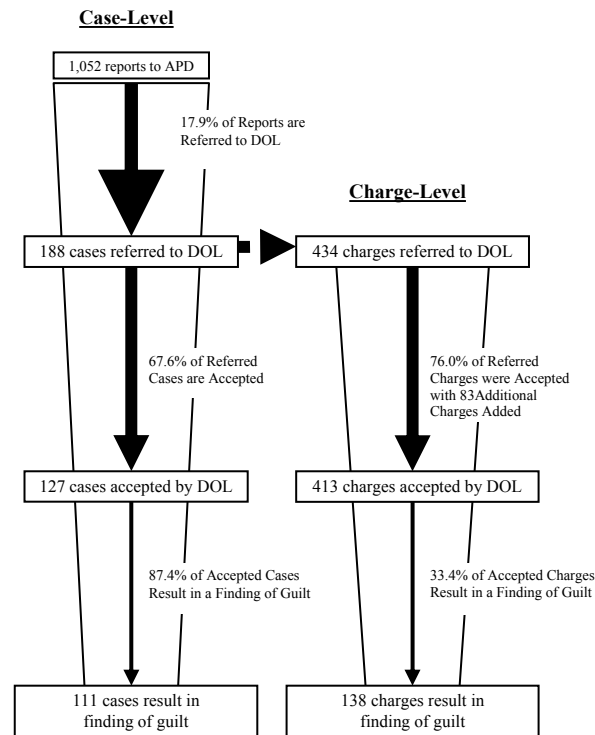
Conclusions and Discussion

The research that has been presented here is an initial attempt at understanding how sexual assault cases are prosecuted. We described the flow of a sample of sexual assault cases through the Alaska Department of Law. By describing the movement and progression of sexual assault cases through the criminal justice system, we hoped to increase the level of knowledge about how sexual assault cases are prosecuted, to positively aid criminal justice practitioners, and to offer useful information to policymakers. It is further hoped that by achieving these goals, we may increase the rates of full and successful sexual assault prosecution, thereby, increasing offender accountability.

The sample analyzed in this research included all sexual assaults reported to APD between January 2000 and December 2003 committed by one suspect against one victim. As such, conclusions drawn here are applicable only to this sample. One should exercise caution in extrapolating these results to groups or times beyond the scope of the data. Again, this project is concerned with APD and DOL sexual assault case processing and does not make larger claims about case processing.

During the course of this report, we have repeatedly discussed two levels of analysis, a case-level analysis and a charge-level analysis. Conclusions drawn about the results presented here must take into account the level of analysis. Furthermore, conclusions drawn at one level of analysis should not, and cannot, be extended to the other. The picture of sexual assault case processing that emerges depends, in large part, on the level of analysis one is currently considering. Conclusions about the prosecution of sexual assaults by the DOL vary substantially depending on which level of analysis we consider.

Figure 2. Case and Charge Movement Between Decision Points



Source of data: Alaska Department of Law

Figure 2 succinctly illustrates the points and rates of attrition for sexual assault cases and charges at the three formal prosecutorial decision points considered in this project. What is readily apparent is that there is indeed a difference between case-level attrition and charge-level attrition.

When considering the charge-level analysis, only 138 (33.4%) of the 413 accepted charges resulted in a conviction. However, at the case-level, a different picture emerges. 59.0 percent of referred cases resulted in a conviction on at least one charge.

This disparity between levels of analysis is seen throughout all the decision points examined here. At every stage of prosecution, a higher proportion of cases than charges moves forward. Stated differently, while substantial proportions of charges within cases are being filtered from the system, most commonly, at least one charge within a case is moving forward. Stated yet another way, more charges than offenders are being removed from the system at each decision point.

Our results indicate that most offenders whose cases reach prosecutors are being held accountable in some degree; that is, they are being criminally sanctioned by the justice system. However, most charges do not result in a conviction. These results may seem contradictory, but a brief consideration of charge structure within a case will demonstrate that they are not. Also, these results may indicate that offenders are not being held *fully* accountable for their actions.

Another fact becomes clear when looking at Figure 2, the largest point of attrition is prior to prosecutorial involvement. 82.5 percent of reported sexual assaults are not referred for prosecution. This is by far the largest filtering that occurred at any formal decision point studied in this research. However, great caution should be exercised in interpreting these results. The current research was not designed to explain the high rate of attrition at this point. Determining what precisely is happening between report and referral is beyond the scope of the present project. However, future research should closely examine this initial decision point to examine the attrition that is occurring between report and referral.

In addition to the rates of attrition that were shown in Figure 2, there is a substantial change in the types of charges that flow through the three decision points examined in this research (see Table 27).

Table 27. Charge Type by Decision Point

Charge	Referral		Acceptance		Conviction	
	N	%	N	%	N	%
Sexual assault 1	180	41.5 %	151	36.6 %	12	8.7 %
Sexual assault 2	99	22.8	79	19.1	35	25.4
Sexual assault 3	11	2.5	13	3.1	10	7.2
Sexual abuse of a minor 1	20	4.6	27	6.5	2	1.4
Sexual abuse of a minor 2	28	6.5	32	7.7	14	10.1
Sexual abuse of a minor 3	3	0.7	7	1.7	3	2.2
Sexual abuse of a minor 4	1	0.2	1	0.2	1	0.7
Assault	38	8.8	38	9.2	30	21.7
Kidnapping	17	3.9	12	2.9	2	1.4
Other charge	37	8.5	53	12.8	29	21.0
Total	434		413		138	

Source of data: Alaska Department of Law

The distribution of charges by type is relatively constant from referral to acceptance, but there is a demonstrable shift in the distribution between acceptance and conviction. The most dramatic shift is observed for the sexual assault in the first degree charges. At referral, sexual assault in the first degree charges account for 41.5 percent of all charges. At acceptance, this proportion is relatively unchanged at 36.6 percent. However, sexual assault in the first degree comprises only 8.7 percent of convicted charges.

As we have seen throughout this report, charge class changes as a function of charge type. As evidenced by Table 28, and as expected given the changes in charge type, there is a substantial shift in charge class between acceptance and conviction.

The most dramatic shift is for unclassified felonies. At referral, unclassified felonies account for 48.6 percent of all charges. At acceptance, unclassified felonies are 43.3 percent of charges. Yet, only 7.2 percent of charges that result in a conviction are unclassified felonies.

Table 28. Charge Class by Decision Point

Class	Referral		Acceptance		Conviction	
	N	%	N	%	N	%
Unclassified felony	211	48.6 %	179	43.3 %	10	7.2 %
Class A felony	12	2.8	18	4.4	7	5.1
Class B felony	135	31.1	116	28.1	36	26.1
Class C felony	36	8.3	46	11.1	34	24.6
Class A misdemeanor	35	8.1	40	9.7	42	30.4
Class B misdemeanor	4	0.9	6	1.5	5	3.6
Nonclassified misdemeanor	0	0.0	1	0.2	0	0.0
Nonclassified violation	1	0.2	0	0.0	0	0.0
Misdemeanor probation or SIS revocation	0	0.0	7	1.7	4	2.9
Total	434		413		138	

Source of data: Alaska Department of Law

Upon first inspection, this result may be startling, but it becomes readily explainable when viewed in light of previous results. We stated earlier that the vast majority (89.9%) of convictions in our sample are a result of plea bargaining. Plea bargains will commonly result in convictions for less serious charges. Also, as aforementioned, unclassified felonies are defined by statute to be crimes of the highest severity. Given that plea bargaining is prevalent in our sample, we could therefore reasonably expect that many charges in our sample would result in convictions on charges that are less severe than those originally referred or accepted. This would yield a reduction in the proportion of convictions for unclassified felonies that we would expect in our sample, as was observed.

The disposition and reason codes that have been mentioned throughout this project are attached to charges by prosecutors. As such, they offer insight into the decision making processes of prosecutors and indicate the formal reasons for case disposition. However, an important caveat needs to be explicitly stated. Reason codes given by prosecutors offer insight into formal decision making only. The data, as collected, cannot offer insight into informal decision making processes and reflects only the formal reasons provided by prosecutors.

While these reason codes may not capture all possible reasons for charge dispositions, they still offer useful insight into prosecutorial decision making. A comparison of reason codes between those given from referral to acceptance, and those given from acceptance to conviction shows that there is a perceptible shift in the reasons attached to case dispositions at the respective decision points (see Table 29).

At both decision points, discretionary and evidentiary reasons, taken together, assume roughly the same proportion of total reasons (78.3% from referral to acceptance, and 81.3% from accepted to convicted). However, the individual proportions of total reasons that these two categories comprise at each stage is very different. From referral to acceptance, evidentiary reasons account

Table 29. Reason Codes Given By Prosecutors*

Reason	Referral		Acceptance	
	N	%	N	%
Witness reason	24	17.4 %	53	16.8 %
Evidentiary reason	63	45.7	34	10.8
Discretionary reason	45	32.6	222	70.5
Procedural/other reason	6	4.3	6	1.9
Total	138		315	

* Reason codes attached to referred charges indicate why a charge was not accepted as referred. Reason codes at acceptance indicate why a charge was dismissed or a pled to an amended charge.

Source of data: Alaska Department of Law

for 47.5 percent of reasons given for a referred charge not being accepted as referred. From acceptance to conviction, this proportion drops substantially to 10.8 percent of reasons given for a charge being dismissed or pled out as an amended charge. The opposite happens for the proportion of total reasons that are discretionary in nature. Between referral and acceptance, discretionary reasons account for 32.6 percent of the reasons given by prosecutors. This proportion jumps to 70.5 percent of reasons given for a dismissal or plea agreement to an amended charge.

This result can be interpreted in more than one way. First, reason codes are attached to charges, not cases; consequently, analysis performed on these codes will be at the charge-level. As we have seen repeatedly throughout this report, there is a substantial difference between results obtained at the charge-level and those obtained at the case-level. Indeed, as we have seen, charge-level results can lead to conclusions that offer a less optimistic view of the justice system than those obtained at the case-level.

Second, this result could indicate a system that is functioning as it should. If one argues that witness reasons and procedural/other reasons should stay relatively constant throughout the system (which seems to be indicated by our findings), then only two remaining categories are free to vary: evidentiary reasons and discretionary reasons. Also, we know that a central concern for prosecutors is convictability; that is, does the prosecutor believe that a conviction can be secured for a charge. Central to the ability to convict is evidence. Hence, it is reasonable to expect that charges which have the weakest evidence (i.e., where prosecutors are less certain in their ability to convict) would be filtered out early in the system. Indeed, this is what we observed here. Further, if only two categories (evidentiary reasons and discretionary reasons) are free to vary, and we assert that charges with the weakest evidence are being removed early in the system, then necessarily, the proportion of discretionary reasons later in the system will be increased. This is also what we observed here.

Overall, we began with 1,052 sexual assaults reported to the Anchorage Police Department between January 2000 and December 2003 committed by one suspect against one victim. These 1,052 reports resulted in the referral of 188 that included 434 charges. These 188 referred cases resulted in the acceptance of 127 cases that included 413 charges. Prosecutors were able to successfully obtain a conviction in 111 cases on 138 charges. The majority of cases resulted in at least one conviction; that is, most suspects were held accountable for their actions to some degree. Furthermore, we have seen that case and charge dispositions vary substantially with respect to the decision point we are analyzing. We have also seen that the reasons given by prosecutors vary substantially by the decision point that is under scrutiny and that any study of case processing must take into account the level of analysis at which the research is performed. Finally, the greatest source of case and charge attrition is undoubtedly from report to referral. Enhancing offender accountability will therefore critically depend on our ability to increase the proportion of reported sexual assaults that are referred to the Department of Law.

Appendix A

Data Collection Instrument


Microsoft Access - [frm_summary : Form]

File Edit View Insert Format Records Tools Window Help

Type a question for help

agency

Times New Roman 8 B I U



State of Alaska Department of Law

Summary Charges Final Charge Sentencing

Case Summary Information

Case Information	Sentence	Case Flags
Agency: <input type="text"/> Report: <input type="text"/> Case Status Date: <input type="text"/> Prosecutor: <input type="text"/> Archive Box: <input type="text"/>	Imprisonment <input type="text"/> / <input type="text"/> Suspended Fine <input type="text"/> / <input type="text"/> Suspended Probation: <input type="text"/> <input type="checkbox"/> SIS <input type="checkbox"/> Consecutive	<input type="text"/>

Next Court Event

Event Type: Date: Court: Court Dept:

Comment:

Primary Charge

	Statute	Modifier	Description	Class	Disp	Reason
Referred	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Accepted	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Convicted	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Record: 1 of 1

Agency

NUM

statute

Tahoma 8

State of Alaska Department of Law

Summary Charges Final Charge Sentencing

Referred Charges

Statute	Charge Modifier	Description	Class	Offense Date	Disp.	Reason

Record: 1 of 1

Accepted Charges

Statute	Charge Modifier	Description	Class	Offense Date	Disp.	Reason

Record: 1 of 1

Convicted Charges

Statute	Charge Modifier	Description	Class	Offense Date	Disp.	Reason

Record: 1 of 1

Statute NUM

Microsoft Access - [frm_summary : Form]

statute

Tahoma 8

State of Alaska Department of Law

Final Charge Sentencing

Statute: Charge Modifier: Description: class:

Date:

Court:

Judge:

Imprisonment: with suspended

Fine with suspended

Probation ☐ SIS ☐ Consecutive

Sentence Remark:

Probation Conditions:

Record: 1 of 1

Record: 1 of 1

Statute NUM

Appendix B

Complete List of Disposition and Reason Codes

REASONS WHY CHARGES WERE NOT ACCEPTED AS REFERRED OR WERE DISMISSED OR AMENDED				
VICTIM/WITNESS REASONS	EVIDENTIARY REASONS	DISCRETIONARY REASONS	MISCELLANEOUS REASONS	
201 Victim declines to prosecute	220 Insuff evid intent	260 Requested inv not complete	200	Disproportionate to resources
202 Unable to locate Ess witness	221 Insuff evid knowledge	264 Declined to extradite	290	Referred to city attorney
203 Ess witness not credible	222 Insuff evid recklessness	265 Essentially a civil matter	291	Referred to U.S. attorney
204 Ess witness uncooperative	223 Insuff evid criminal negligence	266 Defendant civilly committed	292	Referred to juvenile authority
206 Ess witness unavailable for trial	224 Insuff evid proof of age	267 Def extradited out of state	293	Referred for administrative action
207 Ess witness unfit for trial	225 Insuff evid proof of value	268 Defendant deported	294	Pre-charging delay problems
208 Investigating officer unavailable	226 Insuff evid other ess element	269 Cannot locate def state case	295	4 month rule problems
209 Other witness problem	227 Inadequate identification	270 Immunity granted	296	Lack of jurisdiction
	229 Inadequate corroboration	275 To facilitate pros of another	297	Venue appropriate elsewhere
	232 Physical evidence unavailable	278 Charges consolidated	299	Other miscellaneous reasons
	234 Med/psych rept unvail/insuff	279 Def has another pending case		
	235 Defendant deceased	280 Def convicted in a different case		
	236 Analysis results insufficient	281 Pled to essence of the offense		
	237 Defendant mentally incompetent	282 Def serving another sentence		
	240 Inadmissible search/seizure	283 Probation/parole revocation		
	245 Search warrant defective	284 Restitution made/in progress		
	246 Inadmissible identification	285 Pretrial diversion completed		
	247 Inadmissible statement of def	286 Deferred prosecution completed		
	249 Affirmative defense available	287 Other program participation		
	250 Exculpatory evid discovered	288 Interest of Justice		
	255 Good Alibi available	289 Other discretionary reasons		
	257 Another charge more accurate			
	259 Other evidentiary reasons			
COURT ADJUDICATIONS				
212 Rule 5(e) dismissal				
213 Hung jury				
214 Other mistrial				
215 Necessary evidence suppressed				
216 Held to answer lesser offense				
217 True bill to a lesser offense				
218 True bill to a greater offense				
219 Other court action				

DISPOSITION CODES				
SCREENING DISPOSITIONS	FINAL DISPOSITIONS			
	ADJUDICATIONS	PLEAS	OTHER DISPOSITIONS	
390 Accepted-as referred	401 JT-Guilty as charged	451 Pled as charged	479	Transferred to other agency
391 Accepted-same class	402 JT-Guilty as amended	452 Plea-amended charge	480	Transferred to other office
392 Accepted-higher level	403 JT-Guilty lesser inc			
393 Accepted-lesser felony	406 CT-Guilty as charged			
394 Fel accepted-as misd	407 CT-Guilty as amended			
395 Accepted-lesser misd	408 CT-Guilty lesser inc			
	411 JT-Not guilty			
	412 JT-Jgmt of acquittal			
398 Prosecution declined, dismissal required	413 CT-Not guilty			
399 Prosecution declined, no dismissal required	415 JT-NGI/committed			
	416 JT-NGI/not committed			
	417 CT-NGI/committed			
	418 CT-NGI/not committed			
	421 No true bill			
		DISMISSALS		
		471 Dismissed by prosecutor		
		475 Dismissed by court		
		MISD PROBATION VIOLATIONS		
		489 Probation/SIS not revoked		
		490 Probation/SIS revoked		
		491 Probation Petition Withdrawn		

Appendix C

Charges by Stage

Charge	Referral		Acceptance		Conviction	
	N	%	N	%	N	%
Sexual assault 1	180	41.5 %	151	36.6 %	12	8.7 %
Sexual assault 2	99	22.8	79	19.1	35	25.4
Sexual assault 3	11	2.5	13	3.1	10	7.2
Sexual abuse of a minor 1	20	4.6	27	6.5	2	1.4
Sexual abuse of a minor 2	28	6.5	32	7.7	14	10.1
Sexual abuse of a minor 3	3	0.7	7	1.7	3	2.2
Sexual abuse of a minor 4	1	0.2	1	0.2	1	0.7
Assault 1	4	0.9	3	0.7	1	0.7
Assault 2	3	0.7	4	1.0	1	0.7
Assault 3	11	2.5	11	2.7	5	3.6
Assault 4	20	4.6	20	4.8	23	16.7
Kidnapping	17	3.9	12	2.9	2	1.4
Attempted Murder	0	0.0	1	0.2	0	0.0
Robbery 1	1	0.2	2	0.5	0	0.0
Robbery 2	1	0.2	0	0.0	0	0.0
Incest	3	0.7	2	0.5	0	0.0
Escape 1	1	0.2	0	0.0	0	0.0
Burglary 1	7	1.6	6	1.5	1	0.7
Indecent exposure 2	0	0.0	2	0.5	1	0.7
Possession of child pornography	1	0.2	1	0.2	0	0.0
Unlawful exploitation of a minor	1	0.2	3	0.7	1	0.7
Interfere with the report of a crime of domestic violence	2	0.5	2	0.5	0	0.0
Consumption by a minor	1	0.2	0	0.0	0	0.0
Contributing to the delinquency of a minor	3	0.7	4	1.0	4	2.9
Driving with license canceled/suspended/revoked	1	0.2	1	0.2	0	0.0
Furnishing alcohol to a minor	4	0.9	5	1.2	3	2.2
Misconduct involving a controlled substance 4	1	0.2	3	0.7	1	0.7
Misconduct involving a controlled substance 6	3	0.7	3	0.7	1	0.7
Operating a motor vehicle while under the influence	1	0.2	1	0.2	1	0.7
Reckless endangerment	1	0.2	1	0.2	0	0.0
Refusal to submit to a chemical test	1	0.2	1	0.2	0	0.0
Resisting or interfering with arrest	1	0.2	1	0.2	1	0.7
Tampering with physical evidence	1	0.2	2	0.5	1	0.7
Theft 4	1	0.2	1	0.2	0	0.0
Coercion	0	0.0	1	0.2	3	2.2
Harassment	0	0.0	1	0.2	3	2.2
Violate conditions of release	0	0.0	1	0.2	0	0.0
Endangering the welfare of a child	0	0.0	0	0.0	1	0.7
Criminal trespass 1	0	0.0	0	0.0	1	0.7
Criminal mischief 4	1	0.2	1	0.2	1	0.7
Disorderly conduct	0	0.0	0	0.0	1	0.7
Misdemeanor probation/SIS revocation	0	0.0	7	1.7	4	2.9
Total	434		413		138	

Source of data: Alaska Department of Law

Appendix D

Detailed Reasons for Not Accepting Charges as Referred

Reason	N	%
Witness reason		
Unable to locate essential witness	7	5.1 %
Essential witness not credible	9	6.5
Essential witness unavailable for trial	3	2.2
Other witness problem	5	3.6
Evidentiary reason		
Insufficient evidence—knowledge	1	0.7
Insufficient evidence—recklessness	3	2.2
Insufficient evidence—other essential element	26	18.8
Inadequate corroboration	16	11.6
Inadequate identification	1	0.7
Affirmative defense available	3	2.2
Exculpatory evidence discovered	1	0.7
Other evidentiary reasons	12	8.7
Discretionary reason		
Another charge more accurate	25	18.1
Requested investigation not completed	6	4.3
Charges consolidated	1	0.7
Pled to the essence of offense	3	2.2
Interests of justice	1	0.7
Other discretionary reason	9	6.5
Procedural/Other Reason		
Pre-charging delay problems	4	2.9
Lack of jurisdiction	1	0.7
Other miscellaneous reasons	1	0.7
Total	138	

Source of data: Alaska Department of Law

Appendix E

Detailed Reasons for Accepted Charges Being Dismissed or Allowing Plea to an Amended Charge

Appendix E. Detailed Reason for Accepted Charges Being Dismissed or Allowing Plea to an Amended

Reason	N	%
Witness reason		
Victim declines to prosecute	2	0.6 %
Unable to locate essential witness	2	0.6
Essential witness not credible	19	6.0
Essential Witness uncooperative	11	3.5
Essential witness unavailable for trial	2	0.6
Essential witness unfit for trial	6	1.9
Other witness problem	11	3.5
Evidentiary reason		
Insufficient evidence—knowledge	1	0.3
Insufficient evidence—other essential element	7	2.2
Inadequate corroboration	5	1.6
Inadequate identification	2	0.6
Affirmative defense available	3	1.0
Exculpatory evidence discovered	3	1.0
Inadmissible statement of defendant	1	0.3
Other evidentiary reasons	12	3.8
Discretionary reason		
Another charge more accurate	4	1.3
Charges consolidated	78	24.8
Defendant has another case pending	1	0.3
Other program participation	1	0.3
Interests of justice	7	2.2
To facilitate the prosecution of another	2	0.6
Pled to the essence of offense	60	19.0
Other discretionary reason	69	21.9
Procedural/Other reason		
True bill to a lesser offense	1	0.3
True bill to a greater offense	1	0.3
Medical/psychological report unavailable	1	0.3
Defendant deceased	3	1.0
Total	315	

Source of data: Alaska Department of Law